

ASSEMBLY BILL

No. 2500

Introduced by Assembly Member Laird

February 23, 2006

An act to add Part 8 (commencing with Section 9650) to Division 5 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2500, as introduced, Laird. Project levee upgrade funds: local safety plans.

(1) Under existing law, the Department of Water Resources expends or allocates funds on behalf of various flood control projects within the Sacramento-San Joaquin Delta and related areas.

This bill would prohibit the state from allocating or expending funds for the upgrade of a project levee, as defined, that protects an urban area in which more than 10,000 people reside, unless the beneficiary city or county enters into an agreement with the department pursuant to which the city or county agrees to adopt, within 3 years, a safety plan that includes specified components. The bill would authorize the city or county, if it is not the local agency responsible for the operation and maintenance of the project levee, to require a local flood control agency, as specified, to carry out the safety plan. By establishing requirements on local flood control agencies in connection with the safety plans, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Part 8 (commencing with Section 9650) is added to Division 5 of the Water Code, to read:

PART 8. PROJECT LEVEE UPGRADES

9650. For the purposes of this part, “project levee” means a levee located in the Sacramento River and San Joaquin River drainage for which the Reclamation Board or the department has given assurances to the United States of nonfederal cooperation required for the project.

9651. (a) The state shall not allocate or expend funds for the upgrade of a project levee that protects an urban area in which more than 10,000 people reside unless the beneficiary city or county, including a charter city or charter county, enters into an agreement with the department pursuant to which the city or county agrees to adopt, within three years, a safety plan that includes, at a minimum, all of the following elements:

- (1) A flood preparedness plan.
- (2) A levee patrol plan for high water situations.
- (3) A flood-fight plan.
- (4) A flood water removal plan.
- (5) An evacuation plan.
- (6) A requirement, to the extent reasonable, that the structural components of a new building be constructed using materials that would likely not be destroyed by flood waters.
- (7) (A) A requirement, to the extent reasonable, that either of the following apply to a new building in which the inhabitants are expected to be essential service providers:
 - (i) The building is located outside an area that may be flooded.
 - (ii) The building is designed to be operable shortly after the flood water is removed.

1 (B) For the purpose of this section, “essential service
2 providers” includes, but is not limited to, hospitals, fire stations,
3 police stations, jails, and schools.

4 (b) If the city or county is not the local agency responsible for
5 the operation and maintenance of the project levee, the city or
6 county may require a local agency responsible for operation and
7 maintenance of any project levee that protects the relevant urban
8 area to carry out any portion of the safety plan if the city or
9 county provides the necessary funding to that agency for that
10 purpose.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.